

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA ,

Plaintiff,

v.

JULIO R. SOTOMAYOR
(a/k/a “JACE SOTOMAYOR”; “J.R.
SOTOMAYOR”; “WIZARD”),

Defendant.

Criminal No. 1: 22-CR-00122 (RDA)

JULIO R. SOTOMAYOR’S MOTION TO SEAL PURSUANT TO LOCAL RULE 49(E)

Defendant Julio R. Sotomayor (“Col. Sotomayor”), by and through undersigned counsel, pursuant to Local Rule 49(E) of the Local Criminal Rules of the United States District Court for the Eastern District of Virginia, moves the Court for an order sealing his “Response in Opposition to Government’s Motion *in Limine* to Preclude Improper Cross-Examination Into Witness’s Medical and Mental Health Histories” and accompanying exhibits.

I. REASONS FOR SEALING (LOCAL RULE 49(D)(2))

As stated in the government’s motion to seal, the motion *in limine* contains sensitive medical and mental health information relating a potential government witness, Diane Sturgis. *See* Dkt. No. 24. Col. Sotomayor’s response in opposition to the government’s motion *in limine*, therefore, also contains similar sensitive medical and mental health information. Sealing is necessary to safeguard the Ms. Sturgis’s privacy. Col. Sotomayor has considered procedures other than sealing and none will suffice to protect this information from disclosure.

II. REFERENCES TO GOVERNING CASE LAW (LOCAL RULE 49(D)(3)

The Court has inherent power to seal documents and filings. *See United States v. Wuagneaux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 237, 235 (4th Cir. 1984).

This Court has sealed documents in other cases that contain personal identifying information and sensitive medical or mental health information.

III. PERIOD OF TIME COL. SOTOMAYOR SEEKS TO HAVE MATTER REMAIN UNDER SEAL (LOCAL RULE 49(D)(4)

The materials filed under seal would need to remain sealed permanently or until unsealed by the Court.

WHEREFORE, Col. Sotomayor respectfully requests that an order be entered allowing him to file his response in opposition to the government’s motion *in limine* (Dkt. No. 24) under seal. A proposed Order is attached.

Dated: December 1, 2022

Respectfully submitted,

/s/ John J. Pease III

John J. Pease III

Morgan, Lewis & Bockius LLP

1701 Market Street

Philadelphia, PA 19103

Telephone: (215) 963-5000

Facsimile: (215) 963-5001

john.pease@morganlewis.com

Jonathan P. York

1111 Pennsylvania Avenue NW

Washington, DC 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001

jonathan.york@morganlewis.com

Attorneys for Defendant